

How To Petition for an Expungement in the Sandy Justice Court

Certificate of Eligibility: You must first obtain a Certificate of Expungement Eligibility from the Utah Department of Public Safety, Bureau of Criminal Identification (BCI). This can take from 4-6 Weeks. Court personnel are instructed to refer all eligibility questions to BCI.

Bureau of Criminal Identification
3888 West 5400 South
Salt Lake City, Utah 84118
801-965-4445

Web: <http://bci.utah.gov/Records/Expunge.html>

Completion of the Petition: After obtaining a Certificate of Expungement Eligibility from BCI, you must then complete and file a Petition and an Order of Expungement of Record for the Court. Normally, the expungement forms packet can be obtained from the court or from the court's web site. At the time you file the application for expungement you will need to pay a non-refundable \$65.00 filing fee (UCA 78-18-10). A petition for expungement covers a single court case consisting of those offenses arising from a single criminal episode. If multiple cases from separate criminal episodes exist, separate filing fees must be paid for each case. Additional certification and copy fees will be assessed when an Order of Expungement of Record is issued by the court (\$10.00 for the first six certified copies and \$1.00 for each additional two page copy if ordered at the time of the expungement). Unless otherwise requested, the court prepares a total of six copies for distribution to the petitioner. If the case you are seeking to expunge was dismissed or not prosecuted, the above fees are waived.

Serving the Petition: The petitioner is responsible to see that the petition is served on the prosecuting attorney (all expungement petitions), and the Department of Corrections (petitions to expunge a conviction). Unless a stipulation is obtained, expungement shall not be granted until at least 30 days after service of the petition on those parties. This allows time for the prosecuting attorney and/or the crime victim to file written objections to the petition and for the court to order an evaluation if necessary. If an objection is filed, the court must set a hearing and notify the prosecuting attorney, petitioner and victim of the hearing date.

Written Evaluation: If the petition is to expunge a conviction, the court may order the Department of Corrections to prepare a written evaluation regarding the petition, including its recommendations. If you file a written objection to the conclusions and recommendation in the evaluation within 15 days after receipt of the evaluation, the court will set a hearing date and notify the parties listed above.

Hearing: The court may hold a hearing. However, if there are no objections to the Petition, the court may make a decision based on written documentation after the 30 day waiting period.

Findings of the Court: If the court finds that you are eligible and no objections have been received, it will grant expungement and enter an Order For Expungement Of Record. This order includes a certification that the petition and certificate of expungement eligibility are sufficient, and that statutory requirements have been satisfied. The order directs the expungement of the defendant's name or other such direction to expunge all or a portion of the case records in the custody of that court, or of any other agency or official.

Serving the Order For Expungement Of Record:

You, not the court, are responsible for service of the expungement order on affected agencies. Some of the agencies you may want to notify include but are not be limited to:

- The court (if there are others in addition to the Sandy Justice Court)
- Arresting agency
- Booking agency
- Prosecuting attorney
- Department of Corrections if the petitioner was under the supervision of Adult Parole and Probation in connection with this case
- Salt Lake County Probation Services if a pre-sentence report was ordered and/or the petitioner was placed on supervised probation with them.
- The Department of Public Safety*

*Responsibilities of the Division- The Criminal Investigations and Technical Services Division (Bureau of Criminal Identification) must forward a copy of the expungement order to the Federal Bureau of Investigation (FBI).

Note:

If you live out of state and are completing an expungement by mail, you must include an 8" x 12" #90 self-addressed, postage paid manila envelope with sufficient postage, for copies to be mailed to you for distribution. Unless otherwise specified, the clerk will provide six (6) certified copies.

